

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

VS.

4:18-CR-00674-02-JM

KRISTOPHER MITCHELL

ORDER

The November 15, 2023 Order (Doc. No. 116) is VACATED because it erroneously held that Defendant did not receive “status points” at sentencing. However, Defendant’s motions for sentence reduction (Doc. Nos. 115, 118) are DENIED.

As previously set out in the October 30, 2023 Order,¹ applying the retroactive Amendment 821 reduces Defendant’s criminal history score from 12 to 11. However, his criminal history category remains V, which means his guideline range has not changed.²

The additional arguments in his latest motion were either previously rejected on direct appeal,³ are not properly brought in a § 3582(c)(2) petition, were rejected when his § 2255 petition was denied,⁴ or are meritless.

IT IS SO ORDERED this 28th day of November, 2023.



UNITED STATES DISTRICT JUDGE

¹ Doc. No. 113.

² See U.S.S.G 1.10 (a)(2) (“Exclusions.—A reduction in the defendant’s term of imprisonment is not consistent with this policy statement and therefore is not authorized under 18 U.S.C. § 3582(c)(2) if— . . . an amendment listed in subsection (d) does not have the effect of lowering the defendant’s applicable guideline range.”).

³ Doc. No. 97.

⁴ Doc. No. 105.